THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.23679 OF 2007

Date: 20.12.2007.

Between:
Sri Narayana, S/o.Narsaiah and others

…Petitioners.

and

The District Collector, Karimnagar District,
Karimnagar and others.

…Respondents

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ORDER:

It is the case of the petitioners that they purchased small extents of land for the purpose of house sites, situated in Survey No.120/68 and 120/69 of Theegalaguttapally Village, Arepally Revenue Village, Karimnagar Mandal under various sale deeds. It is stated that without following the due process of law, the Mandal Revenue Officer, Karimnagar is threatening to dispossess the petitioners from their lands.

Learned Government Pleader appearing for the respondents submits that the lands in question are assigned lands and therefore, action has been initiated under the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977.

Learned counsel for the petitioners submits that so far, no notice has been issued and even assuming that the lands are assigned lands, without following the due process of law under the provisions of the above said Act or any other law, the petitioners cannot be dispossessed.

Having regard to the facts and circumstances of the case, I am of the opinion that even if the said lands are Government lands, unless action has been initiated under the A.P. Land Encroachment Lands Act, 1905, and if they are assigned lands, unless the due process of law is followed under the A.P.

Assigned Lands (Prohibition of Transfers)Act, 1977, the petitioners cannot be dispossessed.

Accordingly, the Writ Petition is disposed of directing the respondents not to dispossess the petitioners from the lands in question without following the due process of law.

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V.ESWARAIAH, J.

Date:20.12.2007.
Note: Issue copy
in two days.
(B/o)
GS